

Application No.: 09/943,799
Attorney Docket No. 4020-001
Reply to Office Action of June 24, 2009

REMARKS

Summary of the Office Action

Claims 1-5 and 7-17 are currently pending and at issue in the present application. Applicant respectfully submits no new matter has been added by this Reply. Claims 1 and 16 are rejected under 35 U.S.C. §101; Examiner maintains this rejection because input device as voice (see instant specification, page 7, lines 6-8). The previous rejection of Claims 11 and 17 (method claims) has been withdrawn.

Claims 1-5 and 7-17 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

Claims 1 and 11 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claims 1-5 and 7-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tran, US Publication number 2006/0190807 (hereinafter referred to as "Tran") in view of Rivette et al., US Publication number 2007/0208669 ("Rivette").

Applicant requests reconsideration of these rejections, in light of the below remarks.

Rejection Under 35 U.S.C. §101

Examiner has rejected Claims 1-5 and 7-17 under 101, which states:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Rejection Under 35 U.S.C. §112

Examiner has rejected Claims 1 and 11 under 112, second paragraph, which states:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Substantive Rejection Under 35 U.S.C. §103

Examiner has rejected Claims 1-5 and 7-17 under 103(a) as being unpatentable over Tran in view of Rivette.

35 U.S.C. 103(a) states:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Applicant respectfully submits the Examiner has not established a *prima facie* case of obviousness with respect to claims 1-5 and 7-17.

Tran and Rivette nowhere teach, disclose or suggest the automatically generated hierarchical diagram including at least one key component and at least one subcomponent associated with the at least one key component, wherein the text-based and graphical-based components are integrally visually generated and linked in a single interactive diagram as claimed – more particularly wherein the graphical component structure and textual component content being integrally visually generated and linked in a single interactive diagram.

Amendments of the claims include substantive material from the originally filed application, i.e., from the Specification pages 11-12 and Figure 1. Applicant asserts that no new matter was included inasmuch as these amendments are fully supported by the specification and drawings originally submitted.

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CONCLUSION

The Final Office Action of June 24, 2009, has rejected Claims 1-5 and 7-17 under 35 U.S.C. §101; Claims 1 and 11 are rejected under 35 U.S.C. §112, second paragraph, and Claims 1-5 and 7-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tran in view of Rivette. The amendments and remarks of Applicant address these rejections. Accordingly, Applicant believes the amended claims are in condition for allowance. Reconsideration of the pending rejections is respectfully requested, and a notice of allowance is respectfully sought.

If any issues remain outstanding, incident to the allowance of the application, Examiner AN is respectfully requested to contact the undersigned attorney at (919) 268-4236 or via email at jinan@trianglepatents.com to discuss the resolution of such issues, in order that prosecution of the application may be concluded favorably to the applicant, consistent with the applicant's making of a substantial advance in the art and particularly pointing out and distinctly claiming the subject matter that the applicant regards as the invention.

Respectfully submitted,



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